

Appl. No. 10/015,220  
RCE and Amdt. dated April 23, 2004  
Reply to Final Office Action of Nov. 21, 2003  
Docket No. RADNT-031A

### REMARKS/ARGUMENTS

The above-identified application has been carefully reviewed and amended in light of the final office action mailed November 21, 2003, a telephone interview between the Examiner and applicant's representatives on April 13, 2004, and the Examiner's Interview Summary mailed on April 16, 2004.

The substance of the interview included a general discussion of the present invention, particularly the embodiment of the invention defined in claim 19; and applicant's position of the patentability of the invention defined in claim 19 over the art of reference, particularly Ward, U.S. Pat. No. 5,531,776, Dobak III, US2001/0041923, and Worthen, U.S. Pat. No. 6,554,797. Applicant suggested an amendment to claim 19, reflected in the presently amended claim 19, that more clearly defines a method of the invention in which the cooling catheter is placed in the patient's venous vasculature, the balloon pump is at the aorta, and the patient's heart is cooled at least 1 degree C below normothermia and controllably maintained at a temperature at least 1 degree C below normothermia to cause an increase in cardiac output and a decrease in cardiac metabolic demand.

Applicant has amended claim 19 as discussed in the interview. Dependent claim 20 has been amended in light of the amendment to claim 19, to change the identity of step F to step G and to correct a typographical error. Claim 24 has been canceled. Claim 25 has been amended as appropriate to change the dependency thereof to claim 19.

In addition, applicant requests that previously withdrawn claim 26 be automatically reinstated and considered as no longer withdrawn by the Examiner, since the subject matter defined therein

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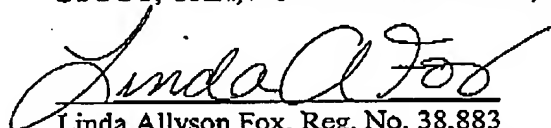
is fully embraced by currently amended generic claim 19.

Applicant submits that the present invention defined in claims 19-23 and 25-27 define, is patentable subject matter over the art of record.

In light of the above, applicant submits that the present application is in condition for allowance, and respectfully requests the Examiner pass the application to issuance at an early date.

Respectfully submitted,  
STOUT, UXA, BUYAN & MULLINS, LLP

Date: April 23, 2004

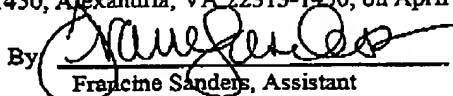
  
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I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9306 addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 23, 2004.

Dated: April 23, 2004

By   
Francine Sanders, Assistant